

REMARKS

This responds to the Office Action mailed on December 31, 2007.

Claim 1 is amended, claims 2 and 17-24 are canceled, claims 25-33 remain canceled, and no claims are added; as a result, claims 1 and 3-16 are pending in this application.

Drawing Objections

Applicant has added FIG. 20 as detailed in the drawings filed herewith as requested in the Office Action. Applicant respectfully submits that newly added FIG. 20 does not add new matter, but rather merely recites subject matter which was originally disclosed and claimed.

Applicant has added FIG. 20 as requested. At the same time, Applicant does not believe the addition of the FIG. 20 is necessary. Despite the cited language of 37 C.F.R. § 1.83(a), the rules further provide that “The applicant for a patent is required to furnish a drawing of his or her invention where necessary for understanding of the subject matter sought to be patented....” 35 U.S.C. § 113 and 37 C.F.R. § 1.81(recited). Applicant respectfully submits that the elements of the claims are described in the specification with reference to FIGS. 1-19 to sufficiently convey the subject matter of the application and the claims in an understandable manner. Applicant makes this point in the event a further drawing objection is made on similar grounds.

Applicant respectfully requests entry of new FIG. 20.

Specification Amendments

The addition of FIG. 20 as detailed above requires amendment of the specification to include a brief description of FIG. 20 and text in the detailed description to describe it. Applicant has made these additions to the specification as detailed above. Applicant respectfully submits that these amendments do not add new matter. Support for these amendments can be found in the claims as originally filed and throughout the specification. Entry of these amendments is earnestly requested.

Claim Objections

Claim 1 was objected to because the Office Action asserts an essential step has been omitted. Applicant has amended claim 1 to clarify that the redefining the tailored object class

definition is tailoring the object class definition previously introduced in the claim. As a result, the term redefining has been removed from the claim. Consideration of the amendment and withdrawal of the claim objection are respectfully requested.

§101 Rejection of the Claims

Claims 1-24 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant has canceled claim 2, thereby obviating the rejection with respect to this claim.

Claims 1-16 – Rejection for failing to achieve the required status of having a real world value

Applicant has amended independent claim 1, from which claims 3-16 directly or indirectly depend, to clarify that making the association as set forth in the claim provides the tangible result of excluding the first user or group of users from the first activity and the second user or group of users from the second activity. Applicant respectfully submits that this amendment achieves “the required status of having a real world value” as the claim involves receiving input data and transforming the input data to enforce what equates to a data or process access policy in a computing system. Applicant therefore requests consideration of the amendment and withdrawal of this 35 U.S.C. § 101 rejection of claims 1 and 3-16.

Claims 1-14 – Rejection for claims encompassing carrier waves

Applicant has amended independent claim 1 in a similar manner as suggested in the “Response to Arguments” section on page 16 of the Office Action to clarify that the “computer program product” is “tangibly embodied in one or more information storage devices.” Applicant respectfully submits that this amendment is supported throughout the originally filed application, such as in the first paragraph of the Detailed Description portion of the application beginning at page 6, line 12. Applicant respectfully submits that claim 1 as amended is directed to statutory subject matter under 35 U.S.C. § 101. Claims 3-16 depend from amended independent claim 1, directly or indirectly, and therefore include the amendment by dependence. Thus, Applicant respectfully requests withdrawal of this 35 U.S.C. § 101 rejection of claims 1 and 3-16.

Claims 17-24

Applicant has cancelled claims 17-24, thereby obviating the rejection with respect to these claims.

§103 Rejection of the Claims

Claims 1-9 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hansen et al. (U.S. 6,886,016; hereinafter “Hansen”) in view of Olds (U.S. 5,878,415; hereinafter “Olds”). Applicant respectfully traverses the rejection of claims 1-9 and 11-16 because the Office Action fails to make a *prima facie* showing of obviousness.

In rejecting claims under 35 U.S.C. §103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. See M.P.E.P. §2142.

In the recent decision of the Supreme Court on *KSR Int'l Co. v. Teleflex Inc.*¹, the analysis of obviousness previously set forth in *Graham v. John Deere Co. of Kansas City*², was reaffirmed. The Court in *Graham* set out an objective analysis for applying §103 as follows:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.”³

When claim elements are found in more than one prior art reference, the fact finder must determine “whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims.” *In re Kahn*⁴. In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co. of Kansas City*⁵.

¹ 127 S.Ct. 1727, 82 USPQ.2d 1385 (2007).

² 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966).

³ The Court in *KSR v. Teleflex*, at page 1730, quoted the analysis of *Graham* from page 18.

⁴ 441 F.3d 977, 988, 78 USPQ2d 1329, 1337 (Fed. Cir. 2006).

⁵ 383 U.S. 1 at 467.

Further, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*⁶. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*⁷. Office personnel must rely on the applicant's disclosure to properly determine the meaning of the claims. *Markman v. Westview Instruments*⁸.

Applicant respectfully submits that Hansen and Olds, alone or in combination, fail to teach or suggest both:

"associating a first identifier with the first field to identify that the first user or group of users is to be excluded from a first activity that involves the first field;" and

"associating a second identifier with the second field to identify that the second user or group of users is to be excluded from a second activity that involves the second field;"

as set forth in independent claim 1.

For example, although the Office Action asserts that Hansen implicitly provides teachings of the recited portions of claim, Hansen only illustrates a single option for selecting a single access list in FIG. 2A. Applicant is unable to find any description of this single access selection including the portions of Hansen at col. 3, line 41 through col. 4, line 41 as cited in the Office Action. Thus, the only implicit teaching in Hansen with regard to an access control list is a single access control selection and not two possible associations to exclude a first user and a second user from respective activities. Applicant further submits Olds also fails to provide teachings of the portions of the independent claim 1 recited above. For example, Olds at col. 8, lines 35-46 describes only a single access control property, a single trustee/mask field, and a single access rights field. Thus, the assertions in the Office Action as to the teachings of Hansen and Olds with regard to the recited portions of independent claim 1 are deficient.

Applicant also submits that Hansen and Olds, if combined, fail to provide any teaching or suggestion receiving user input of both first and second users or user groups as claimed. The Office Action cites FIG. 2A of Hansen as providing such a teaching. More particularly the Office Action points to the "Access List" and "Language" drop-down-list boxes in FIG. 2A as providing such teachings. This assertion is dependent upon the assumption that a "Language"

⁶ 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

⁷ 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

⁸ 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), aff'd, U.S., 116 S. Ct. 1384 (1996).

selection is a selection of a group of users. However, there is simply no description in Hansen supporting this assumption. Further, the paragraph beginning at col. 4, line 66 is the only other location in Hansen where the term "language" is used. However, this paragraph describes columns being language dependent. The term "language" is not even described as having any relationship to users or groups of users. Olds fails to cure this deficiency of Hansen and the Office Action does not make any assertions in this regard.

Thus, Applicant respectfully submits that the asserted combination of Hansen and Olds fails to teach or suggest all of the elements of independent claim 1. Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of independent claim 1 and claims 3-9 and 11-16 which depend directly or indirectly therefrom.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Hansen et al. and Olds, in view of Keinsley et al. (U.S. 2003/0154403; hereinafter "Keinsley").

Keinsley is provided for the purpose of showing the additional elements of claim 10 which depends from patentable independent claim 1. However, Keinsley fails to cure the deficiencies of Hansen and Olds as described above with regard to patent independent claim 1. Thus, Applicant respectfully submits that claim 10 is patentable for at least the same reason as claim 1 and requests withdrawal of this 35 U.S.C. § 103(a) rejection.

Claims 17-24 were rejected under 35 USC § 103(a) as being unpatentable over Hansen et al., in view of Keinsley.

Applicant has cancelled claims 17-24, thereby obviating the rejection with respect to these claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of

the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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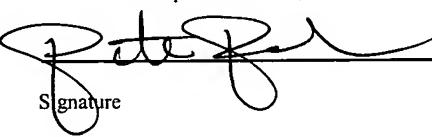
Date 31 Mar 2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of March 2008.

Name Peter Rebuffoni


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